



Sen. Louis S. Viverito

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09600HB0926sam002

LRB096 09194 RLJ 25629 a

1 AMENDMENT TO HOUSE BILL 926

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 926 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing  
5 Section 5-1115 as follows:

6 (55 ILCS 5/5-1115) (from Ch. 34, par. 5-1115)

7 Sec. 5-1115. Retail food ~~Food service~~ establishments.

8 (a) The county board of any county having a population of  
9 2,000,000 ~~1,000,000~~ or more inhabitants may license and  
10 regulate and impose license fees on all retail food ~~service~~  
11 establishments in the county except those retail food ~~service~~  
12 establishments which are located within any city, village or  
13 incorporated town in such county ~~not including, however,~~  
14 ~~establishments where food is sold only as merchandise and not~~  
15 ~~prepared to be consumed on the premises.~~

16 (b) The county board of any county having a population of

1 less than 2,000,000 ~~1,000,000~~ inhabitants and having a health  
2 department created under Division 5-25 may license and regulate  
3 and impose license fees on all retail food ~~service~~  
4 establishments within both the incorporated and unincorporated  
5 areas of the county which fall within the jurisdiction of that  
6 health department as set forth in Section 5-25008.

7 (c) The license fees which may be imposed under this  
8 Section must be reasonably related to the cost of inspecting  
9 and regulating the retail food ~~service~~ establishments. License  
10 fees for food establishments operated by a unit of local  
11 government, school district, or not-for-profit organization  
12 may be waived by ordinance of the county board.

13 (d) A county and a municipality may enter into an  
14 intergovernmental agreement that provides for the county's  
15 certified local health department to perform any or all  
16 inspection functions for the municipality. The municipality  
17 must pay the county's reasonable costs. An intergovernmental  
18 agreement shall not preclude a municipality from continuing to  
19 license retail food establishments within its jurisdiction.

20 (e) For the purpose of this Section, "retail food  
21 establishment" includes a food service establishment, a  
22 temporary food service establishment, and a retail food store  
23 as defined in the Food Service Sanitation Code, 77 Ill. Adm.  
24 Code Part 750, and the Retail Food Store Sanitation Code, 77  
25 Ill. Adm. Code Part 760.

26 (Source: P.A. 86-962; 86-1028.)

1           Section 10. The Illinois Municipal Code is amended by  
2 adding Section 11-20-15 as follows:

3           (65 ILCS 5/11-20-15 new)

4           Sec. 11-20-15. Retail food establishments.

5           (a) A municipality in a county having a population of  
6 2,000,000 or more inhabitants must regulate and inspect retail  
7 food establishments in the municipality. A municipality must  
8 regulate and inspect retail food establishments in accordance  
9 with applicable federal and State laws pertaining to the  
10 operation of retail food establishments including but not  
11 limited to the Illinois Food Handling Regulation Enforcement  
12 Act, the Illinois Food, Drug and Cosmetic Act, the Sanitary  
13 Food Preparation Act, the regulations of the Illinois  
14 Department of Public Health, and local ordinances and  
15 regulations. This subsection shall not apply to a municipality  
16 that is served by a certified local health department other  
17 than a county certified local health department.

18           A home rule unit may not regulate retail food  
19 establishments in a less restrictive manner than as provided in  
20 this Section. This Section is a limitation of home rules powers  
21 under subsection (i) of Section 6 of Article VII of the  
22 Illinois Constitution on the concurrent exercise by home rule  
23 units of the powers and functions exercised by the State.

24           (b) A municipality may enter into an intergovernmental

1 agreement with a county that provides for the county's  
2 certified local health department to perform any or all  
3 inspection functions for the municipality. The municipality  
4 must pay the county's reasonable costs. An intergovernmental  
5 agreement shall not preclude a municipality from continuing to  
6 license retail food establishments within its jurisdiction.

7 (c) For the purpose of this Section, "retail food  
8 establishment" includes a food service establishment, a  
9 temporary food service establishment, and a retail food store  
10 as defined in the Food Service Sanitation Code, 77 Ill. Adm.  
11 Code Part 750, and the Retail Food Store Sanitation Code, 77  
12 Ill. Adm. Code Part 760.

13 Section 90. The State Mandates Act is amended by adding  
14 Section 8.33 as follows:

15 (30 ILCS 805/8.33 new)

16 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8  
17 of this Act, no reimbursement by the State is required for the  
18 implementation of any mandate created by this amendatory Act of  
19 the 96th General Assembly."